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JUDGE DOW

MAGISTRATE JUDGE AUSTMAN

UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF ILLINOIS
EASTERN DIVISION**FILED****MAY 27, 2009**MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTRick Allen

(Name of the plaintiff or plaintiffs)

v.

Hanson Material Service Corp.

(Name of the defendant or defendants)

TLMS

CIVIL ACTION

NO.

09CV2909**RECEIVED**

MAY 13 2009

MAY 13 2009
MICHAEL W. DOBBINS
CLERK, U.S. DISTRICT COURTAmended
COMPLAINT OF EMPLOYMENT DISCRIMINATION

1. This is an action for employment discrimination.
2. The plaintiff is Rick Allen of the
county of Cook in the state of Illinois.
3. The defendant is Hanson Material Service Corp., whose
street address is 322 So. Williams
(city) Thornton (county) Cook (state) IL (ZIP) _____
(Defendant's telephone number) (708)-877-5240
4. The plaintiff sought employment or was employed by the defendant at (street address)
322 So. Williams St. (city) Thornton
(county) Cook (state) IL (ZIP code) _____
5. The plaintiff [check one box]
 - (a) ☐ was denied employment by the defendant.
 - (b) ☐ was hired and is still employed by the defendant.
 - (c) ☒ was employed but is no longer employed by the defendant.

09C 2909

JUDGE NOW

6. The defendant ~~is~~ ^{JUDGE ASHMAN} discriminated against the plaintiff on or about, or beginning on or about, (month) Feb / May, (day) 26 / 24, (year) 2007.

7.1 (Choose paragraph 7.1 or 7.2, do not complete both.)

(a) The defendant is not a federal governmental agency, and the plaintiff [check one box] ☐ has ~~not~~ has filed a charge or charges against the defendant asserting the acts of discrimination indicated in this complaint with any of the following government agencies:

(i) ☐ the United States Equal Employment Opportunity Commission, on or about (month) Feb. (day) 1 (year) 2008.

(ii) ☐ the Illinois Department of Human Rights, on or about (month) _____ (day) _____ (year) _____.

(b) If charges were filed with an agency indicated above, a copy of the charge is attached. ☒ YES. ☐ NO, but plaintiff will file a copy of the charge within 14 days.

It is the policy of both the Equal Employment Opportunity Commission and the Illinois Department of Human Rights to cross-file with the other agency all charges received. The plaintiff has no reason to believe that this policy was not followed in this case.

7.2 The defendant is a federal governmental agency, and

(a) the plaintiff previously filed a Complaint of Employment Discrimination with the defendant asserting the acts of discrimination indicated in this court complaint.

☐ Yes (month) _____ (day) _____ (year) _____

☐ No, did not file Complaint of Employment Discrimination.

2. The plaintiff received a Final Agency Decision on (month) _____ (day) _____ (year) _____.

c. Attached is a copy of the

a. Complaint of Employment Discrimination,

☐ YES ☐ NO, but a copy will be filed within 14 days.

(ii) Final Agency Decision

☐ ☐

09C 2909

MAGISTRATE JUDGE ASHMAN

8. (Complete paragraph 8 only if defendant is not a federal governmental agency.)
- (a) ☐ the United States Equal Employment Opportunity Commission has not issued a Notice of Right to Sue.
- (b) ☒ the United States Equal Employment Opportunity Commission has issued a Notice of Right to Sue, which was received by the plaintiff on (month) Feb. (day) 13 (year) 2009 a copy of which Notice is attached to this complaint.
9. The defendant discriminated against the plaintiff because of the plaintiff's [check only those that apply]:
- (a) ☐ Age (Age Discrimination Employment Act).
- (b) ☐ Color (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (c) ☒ Disability (Americans with Disabilities Act or Rehabilitation Act)
- (d) ☐ National Origin (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (e) ☐ Race (Title VII of the Civil Rights Act of 1964 and 42 U.S.C. §1981).
- (f) ☐ Religion (Title VII of the Civil Rights Act of 1964)
- (g) ☐ Sex (Title VII of the Civil Rights Act of 1964)
10. If the defendant is a state, county, municipal (city, town or village) or other local governmental agency, plaintiff further alleges discrimination on the basis of race, color, or national origin (42 U.S.C. § 1983).
11. Jurisdiction over the statutory violation alleged is conferred as follows: for Title VII claims by 28 U.S.C. §1331, 28 U.S.C. §1343(a)(3), and 42 U.S.C. §2000e-5(f)(3); for 42 U.S.C. §1981 and §1983 by 42 U.S.C. §1988; for the A.D.E.A. by 42 U.S.C. §12117; for the Rehabilitation Act, 29 U.S.C. § 791.
12. The defendant [check only those that apply]
- (a) ☐ failed to hire the plaintiff.
- (b) ☐ terminated the plaintiff's employment.
- ☐

MAGISTRATE JUDGE ASHMAN

- (d) ☐ failed to reasonably accommodate the plaintiff's religion.
- (e) ☐ failed to reasonably accommodate the plaintiff's disabilities.
- (f) ☐ failed to stop harassment;
- (g) ☒ retaliated against the plaintiff because the plaintiff did something to assert rights protected by the laws identified in paragraphs 9 and 10 above;
- (h) ☐ other (specify): Forced resignation with arrest threats.

13. The facts supporting the plaintiff's claim of discrimination are as follows:

I was hired in July 2005 with 5 other new hires.
(All of us hired as Quarry Truck Drivers) We all were
laid off in Dec. 2006. All 5 drivers were summoned
to RTW 2-26-⁰⁷. I was never summoned to RTW (with
acception to an 8hr Refresher course on Feb 27, 2007.) My resignation
was forced on 5-24-07 for threatening Company with E.E.O.C.

Furthermore: My name defamed correspondent to alleged statements I made. This information was shared within my church by a certain H/R Worker/Secretary.

14. [AGE DISCRIMINATION ONLY] Defendant knowingly, intentionally, and willfully discriminated against the plaintiff.
15. The plaintiff demands that the case be tried by a jury. ☒ YES ☐ NO
16. THEREFORE, the plaintiff asks that the court grant the following relief to the plaintiff [check only those that apply]

- (a) ☐ Direct the defendant to hire the plaintiff.
- (b) ☒ Direct the defendant to re-employ the plaintiff.
- (c) ☐ Direct the defendant to promote the plaintiff.
- (d) ☐ Direct the defendant to reasonably accommodate the plaintiff's religion.
- (e) ☒ Direct the defendant to reasonably accommodate the plaintiff's disability.

09C 2909

MAGISTRATE JUDGE ASHMAN JUDGE DOW

(f) ☒ Direct the defendant to (specify): Compensate plaintiff
with lost wages. Dates 2-26-07 thru
current

(g) ☒ If available, grant the plaintiff appropriate injunctive relief, lost wages, liquidated/double damages, front pay, compensatory damages, punitive damages, prejudgment interest, post-judgment interest, and costs, including reasonable attorney fees and expert witness fees.

(h) ☐ Grant such other relief as the Court may find appropriate.

(Plaintiff's signature)

Bick Allen

(Plaintiff's name)

Bick Allen

(Plaintiff's street address)

828 W. 194th St.

(City) Chgo. Hts. (State) IL (ZIP) 60411

(Plaintiff's telephone number) (708) - 209 - 6528

Date: May 13, 2009

CHARGE OF DISCRIMINATION

This form is affected by the Privacy Act of 1974. See enclosed Privacy Act Statement and other information before completing this form.

Charge Presented To:

Agency(ies) Charge No(s):



FEPA



EEOC

440-2008-02707**Illinois Department Of Human Rights**

and EEOC

State or local Agency, if any

Name (indicate Mr., Ms., Mrs.)

Mr. Rick Allen

Home Phone (Incl. Area Code)

(708) 209-6528

Date of Birth

05-20-1959

Street Address

City, State and ZIP Code

828 W 194th St, Chicago Heights, IL 60411

Named is the Employer, Labor Organization, Employment Agency, Apprenticeship Committee, or State or Local Government Agency That I Believe Discriminated Against Me or Others. (If more than two, list under PARTICULARS below.)

Name

MATERIAL SERVICE CORPORATION

No. Employees, Members

500 or More

Phone No. (Include Area Code)

(708) 877-5240

Street Address

City, State and ZIP Code

232 S Williams St, Thornton, IL 60476

Name

No. Employees, Members

Phone No. (Include Area Code)

Street Address

City, State and ZIP Code

DISCRIMINATION BASED ON (Check appropriate box(es).)



RACE



COLOR



SEX



RELIGION



NATIONAL ORIGIN



RETALIATION



AGE



DISABILITY



OTHER (Specify below.)

DATE(S) DISCRIMINATION TOOK PLACE

Earliest

Latest

12-01-2006**05-25-2007**

CONTINUING ACTION

THE PARTICULARS ARE (If additional paper is needed, attach extra sheet(s)):

I began employment with Respondent on or about July 15, 2005, as a Dump Truck Operator. I was laid off, never recalled, and constructively discharged.

I believe I have been discriminated against based on my disability, and retaliated against for participating in protected activity in violation of the Americans with Disabilities Act of 1990.

RECEIVED EEOC**FEB 01 2008****CHICAGO DISTRICT OFC**

I want this charge filed with both the EEOC and the State or local Agency, if any. I will advise the agencies if I change my address or phone number and I will cooperate fully with them in the processing of my charge in accordance with their procedures.

I declare under penalty of perjury that the above is true and correct.

Feb 01, 2008

Date

Rick D. Allen

Charging Party Signature

NOTARY - When necessary for State and Local Agency Requirements

I swear or affirm that I have read the above charge and that it is true to the best of my knowledge, information and belief.

SIGNATURE OF COMPLAINANT

SUBSCRIBED AND SWORN TO BEFORE ME THIS DATE
(month, day, year)